

**REMARKS**

Claims 1-14 were reported in the Office Action as pending. Claims 1-14 are rejected. Claims 2, 3, 10, and 12-14 have been amended. Claims 1 and 4-9 are cancelled. New Claims 15-20 are added. Claims 2, 3, and 10 - 20 remain.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1-14 are rejected under 35 USC 103(a) as being unpatentable over Jung et al. 2001/0030748 in view of Lehmann 6,358,047.

In response, Applicant has amended Claims 2 and 3 to depend from new Claim 16, Claims 10 and 12-14 have been amended to depend from new Claim 15, Applicant has also added new Claims 17-20 in addition to new Claims 15 and 16, and has cancelled Claims 1 and 4-9.

Applicant notes that the present invention concerns a method and a device for automatically determining the shade of an object, including a light source, a light sensor positioned so as to sample on an area of the object light reflected or passing through the object, further comprising means for wavelength analysis on this light after reflection or passing through the object, such means delivering a spectrometric reading corresponding to a sampling area. The analysis means are provided for analyzing a set of such spectrometric reading corresponding to different areas of the object and identifying an average spectrometric reading from this set of spectrometric readings. Further, the method and the device include camera functionality or a camera for sampling an image of the object, and then reporting on the image shades corresponding to the plurality of spectrometric readings at their locations on the object, interactive means of selection for performing a spatial selection on the object, and then identifying an average spectrometric reading from a set of spectrometric readings corresponding to the spatial selection performed.

US 2001/0030748 to Jung et al., discloses a device for determining the shade of an object like a tooth by way of spectrophotometers or RGB (tri-ccd) captors (tristimulus colorimeter) (cf par 0018). In order to determine the shade of the object, the device compares the reading with shade guides (cf par. 0097). Thus the device of Jung does not performed automatic determination of the shade of the object. More over, Jung does not disclose or suggest analysis means provided for analyzing a set of spectrometric reading corresponding to different areas of the object and identifying an average spectrometric reading fro this set of spectrometric readings. Moreover, Jung does not disclose or suggest a camera or camera functionality for sampling an image of the object, and then reporting on the image shades corresponding to the plurality of spectrometric readings at their locations on the object, interactive means of selection for performing a spatial selection on the object, and then identifying an average spectrometric reading from a set of spectrometric readings corresponding to the spatial selection performed.

US 6,358,047 in the name of Lehmann discloses analysis means of the shade of the tooth of a patient by conducting an analysis of a RGB image of said tooth, by using a classical images treatment. Lehmann discloses and teaches an apparatus that analyses the color information obtained by calculation of mean values done on pixels of the image taken by a camera comprising a tri-CCD captor (one red captor, one green captor and one blue captor). Lehmann does not deal with spectrometric readings but only with RGB readings. Thus Lehmann does not disclose or suggest means for reporting on the image shades corresponding to the plurality of spectrometric readings at their locations on the object and means for identifying an average spectrometric reading from a set of spectrometric readings corresponding to the spatial selection performed.

Accordingly, Applicant submits that the claims pending following entry of this amendment, namely amending Claims 2, 3, and 10-20, are now in condition for allowance, which early action is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

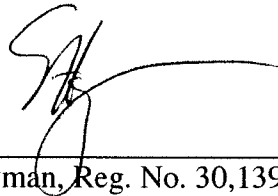
Respectfully submitted,

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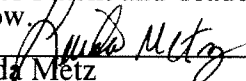


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 4/20/09  
Linda Metz